

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

TOMMY LEE WILLIAMS JR.,)
Plaintiff,)
vs.) No. CIV-14-39-W
JOHN LEWIS, in his individual and)
official capacities,)
Defendant.)

ORDER

On June 30, 2015, United States Magistrate Judge Charles B. Goodwin issued a Report and Recommendation in this matter and recommended that the Court grant summary judgment in favor of defendant John Lewis, in his individual and official capacities, and against plaintiff Tommy Lee Williams Jr. Although Williams was advised of his right to object to the Report and Recommendation, see Doc. 25 at 12, and of the consequences of his failure to do so, see id., Williams has filed no objections within the allotted time.

On March 7, 2012, Williams was seriously injured while operating a table saw in the woodshop at Lawton Correctional Facility ("LCF"), in Lawton, Oklahoma. In his amended complaint, Williams has alleged inter alia that he was subjected to cruel and unusual punishment in violation of the eighth amendment to the United States Constitution because "he was required to work with a table saw that did not have the necessary safety mechanisms in place[.]" Doc. 12 at 2. Williams has sought damages in the amount of \$100,000.00 under title 42, section 1983 of the United States Code from Lewis, an LCF woodshop instructor.

Upon review of the record, the Court concurs with Magistrate Judge Goodwin's suggested disposition of Lewis' Motion to Dismiss/Motion for Summary Judgment and with his determination that Williams' section 1983 claim is barred because Williams failed to exhaust his administrative remedies before commencing this action as required by the Prison Litigation Reform Act of 1995, 42 U.S.C. § 1997e.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation [Doc. 25] issued on June 30, 2015;
- (2) GRANTS Lewis' Motion to Dismiss/Motion for Summary Judgment [Doc. 22] filed on January 12, 2015, to the extent the Court has construed this dispositive motion as seeking relief under Rule 56, F.R.Civ.P.; and
- (3) ORDERS that judgment issue forthwith in favor of defendant Lewis.

ENTERED this 10th day of August, 2015.



LEE R. WEST
UNITED STATES DISTRICT JUDGE